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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Cole Unger and Steven Prescott, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

The Walt Disney Company,

Defendant.

Case No. 5:25-cv-01163

Defendant's Response to Plaintiffs'
Notice (Dkt. 70)

Judge: Hon. Edward J. Davila

1 Defendant The Walt Disney Company (“Disney”) submits this response to Plaintiffs’
2 Notice regarding Disney’s settlement in principle with the plaintiffs in *Biddle v. The Walt Disney*
3 *Company*, No. 5:22-cv-07317-EJD (N.D. Cal.). Dkt. 70. On June 4, 2025, in advance of a July 11,
4 2025 court-ordered deadline to complete the first ADR session in the *Biddle* action, *see Biddle* Dkt.
5 92 at 2, Disney participated in a mediation with the *Biddle* plaintiffs under the supervision of
6 retired U.S. District Judge Layn R. Phillips. The mediation succeeded, and the parties in *Biddle*
7 reached an agreement in principle to settle all claims, including a claim for injunctive relief that
8 spans all subscriber classes. That agreement in principle—which comes after two and a half years
9 of litigation between the parties in *Biddle*—is conditioned upon the Court granting an upcoming
10 motion under Rule 23(g) to appoint Yavar Bathaee and the law firm of Bathaee Dunne LLP as
11 interim lead counsel for YouTube TV, DirecTV Stream, and FuboTV subscriber classes. As it
12 stands, none of the plaintiffs’ counsel in this action or in *Biddle* represent any subscriber class;
13 they each represent named plaintiffs. Disney believes that the most efficient next step is for the
14 Court to adjudicate the *Biddle* plaintiffs’ forthcoming motion for appointment under Rule 23(g).

15 Immediately following the mediation, counsel for Disney apprised counsel for *Unger* about
16 the mediation and proposed settlement and made clear that it does not foreclose any application
17 for attorneys’ fees that counsel for *Unger* may choose to file.

1 Dated: June 9, 2025

Respectfully submitted,

2
3 By: /s/ Daniel M. Petrocelli
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The Walt Disney Company

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that the foregoing document is being served this day on all counsel of record in this action via transmission of Notices of Electronic Filings generated by CM/ECF.

Dated: June 9, 2025

Respectfully submitted,

By: /s/ Daniel M. Petrocelli
Daniel M. Petrocelli

Attorney for Defendant
The Walt Disney Company